



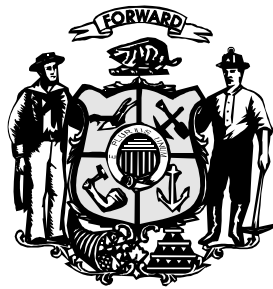
Improving Guidelines Worksheets Submissions: Results from a Survey of Wisconsin Judges

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INTRODUCTION

The most recent analysis of Wisconsin sentencing guidelines worksheets, comparing actual sentences to those for which worksheets have been submitted, indicated that worksheets are currently submitted for only roughly 30% of the felony convictions for which they should be. Many of the state sentencing reports produced by the Sentencing Commission rely on these worksheets for important data. Therefore, it is essential that the worksheets provide a representative sample of the actual cases.

To date, worksheet submission rates have varied extensively by county. For example, courts in 13 counties have not submitted any worksheets at all since the process began in February 2003. Courts in another 31 counties have submitted only 25% or less of the possible worksheets, had every conviction of a worksheet offense in the county been submitted. On the other hand, 15 counties have submitted 50% or more of all possible worksheets.

To understand the variance in submission rates and to garner ideas on ways to enhance them, the Sentencing Commission, through a subcommittee of Judge Peter Naze, chair of its Public Outreach Committee, John Voelker, Director of State Courts, and Susan Steingass, Commission chair, asked staff to prepare and disseminate a survey to state circuit court judges. The survey was done online, and the state's 241 judges were asked to respond within a 12-day period. In the end, 71 judges replied, or approximately 30% of all judges, mirroring the current worksheet submission rate. The following report provides the results of that survey and ends with recommendations for possible remedies based on the findings.

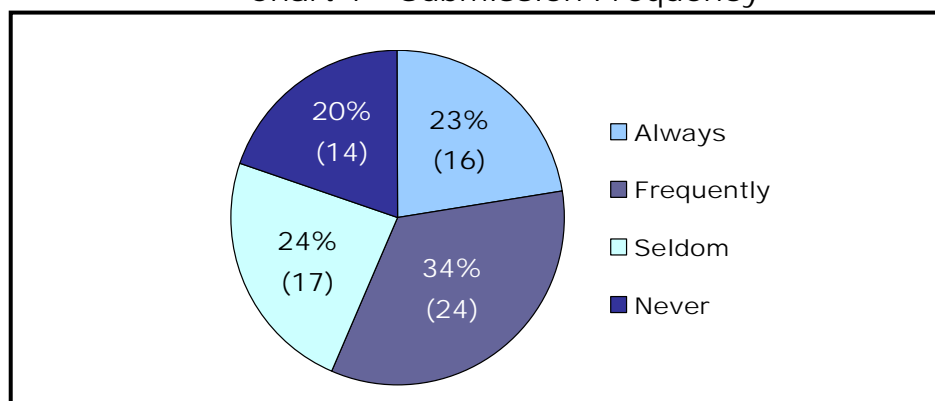
SURVEY RESPONSES

Frequency of Worksheet Submissions

Of the 241 judges who received this survey, 71 responded, giving the Wisconsin Sentencing Commission (WSC) information about their worksheet submission practices. Interestingly, the response rate to the survey among judges who complete worksheets (at any frequency) was 33%, while judges who never fill out the worksheets only had a 19% survey response rate.

The judges who participated in the survey were asked to classify their worksheet completion frequency into one of four categories: (a) always (b) frequently (c) seldom and (d) never. The most commonly chosen category was 'frequently,' which accounted for 24 judges (34%). Judges who seldom complete worksheets account for 24% (17) of the respondents, just surpassing the number of judges who always submit worksheets (16). Fourteen judges report never completing guidelines worksheets; they account for 20% of the respondents.

Chart 1 – Submission Frequency



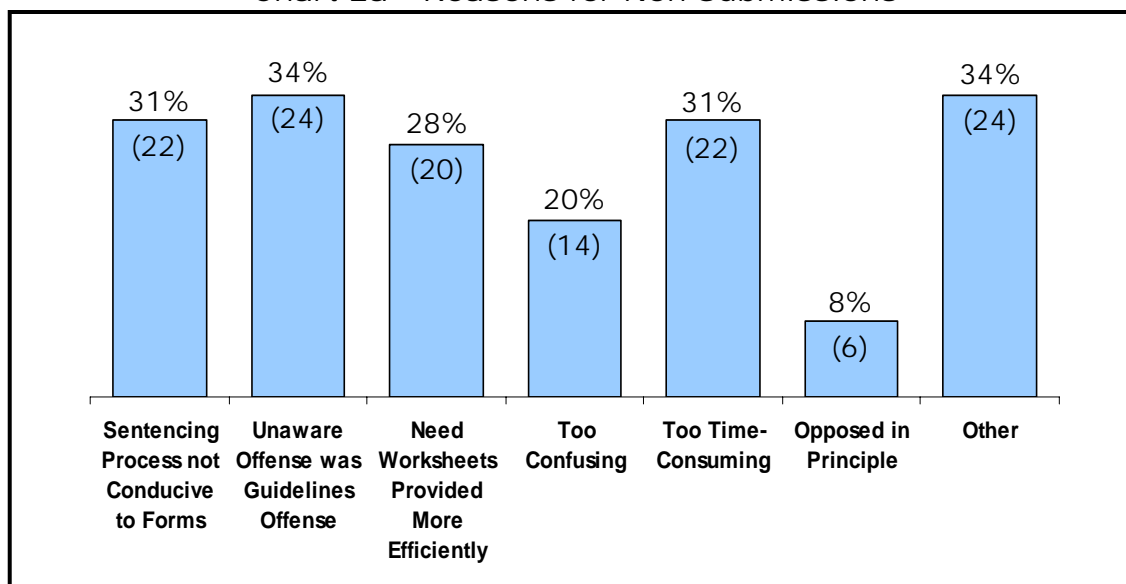
Reasons for Non-Submissions

Judges were asked to give concrete reasons to help shed light on the relatively low submission rate across the state. Six reasons were offered, with a seventh option--"other"--available to judges who wanted to give an original comment (note: "other" responses to be looked at in more detail in further section). It was possible for the judges to choose more than one applicable option. The six choices available to the judges were:

- (a) Your court sentencing process is not conducive for completing the forms
- (b) You are unaware the conviction offense is a guidelines offense
- (c) You need the worksheets provided in advance more efficiently
- (d) The worksheets and the NOTES are too confusing
- (e) The worksheets and the NOTES are too time-consuming

The most prevalent reason for non-submission, with 45% (24) of the 53 votes, was that judges were unaware that the conviction offense was a guideline offense. 42% (22) of respondents think that the worksheets are too time-consuming and the same number believe that their court sentencing process is not conducive to completing the forms. 20 (38%) judges need the worksheets provided in advance more efficiently. Over one-quarter (26%) of the 53 judges find the present worksheets too confusing to complete. Of the 53 judges who completed this portion of the survey, 11% (6) are opposed to the worksheets in principle. Intriguingly, half of the judges (3) who are opposed to the worksheets still manage to fill them out frequently, and only one of the six judges never fills out the worksheets. (See Chart 2a)

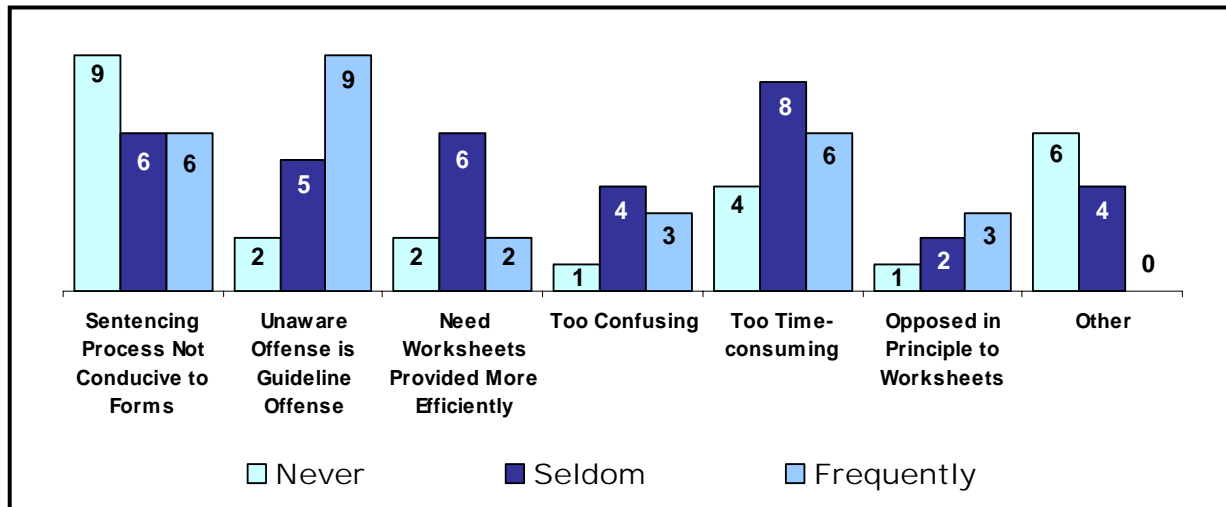
Chart 2a – Reasons for Non-Submissions



It is also important to look at the non-submission reasons in relation to the frequency of worksheet submission amongst Wisconsin circuit court judges. Judges who frequently submit guidelines worksheets to the Commission state that the most common reason they do not submit the worksheets is that they are unaware that the conviction offense is a guideline offense. The most common non-submission reason for judges who seldom submit worksheets is that they are too time-consuming, while those judges who never complete worksheets most often claim that their court sentencing process is not conducive to completing the forms (see Chart 2b).

Judges who frequently complete and submit guidelines worksheets rarely state that they need the worksheets provided more efficiently. This may suggest that because these judges have efficient access to the worksheets, they are more likely to submit them to the commission. Also, judges who frequently fill out the worksheet forms still indicated that the worksheets are too time-consuming more often than the judges who never complete them. So, regardless of the fact that the worksheets are considered too time-consuming by all respondents, this is surely not the most telling indicator of submission vs. non-submission rates or the results would be inverted (i.e. judges who never fill out worksheets would be the group that finds them too time-consuming with the highest frequency).

Chart 2b – Reasons for Non-Submissions by Frequency Category



Almost half of the judges chose to enter their own reasons for not submitting the worksheet forms either in lieu of or in addition to the available choices (25, 46%). Considering the fact that “other” is the number one reason for non-submission, it is imperative to understand the main rationales behind judges’ non-submission in order to propose a better procedure for completing the worksheet forms in the future (see Chart 2c).

A trend has appeared amongst the judges; they forget. Whether due to overburdened schedules, lack of attorney reminders, or inefficient access to the worksheet forms, judges can’t seem to remember to fill out the forms. 20% (5) of judges frequently forget to fill out the worksheets; judges who said they forget did not list any additional “other” reasons or check any of the pre-set reasons for non-submission.

One of the more reassuring reasons four judges gave for their non-participation in worksheet completion was that they are not assigned to criminal court. This accounts for 16% of the “other” responses from the judges, yet it seems that these judges who are not assigned to criminal court are overrepresented in the survey results. Of all Wisconsin circuit court judges, it is estimated that less than 16% are permanently assigned to non-criminal courts.

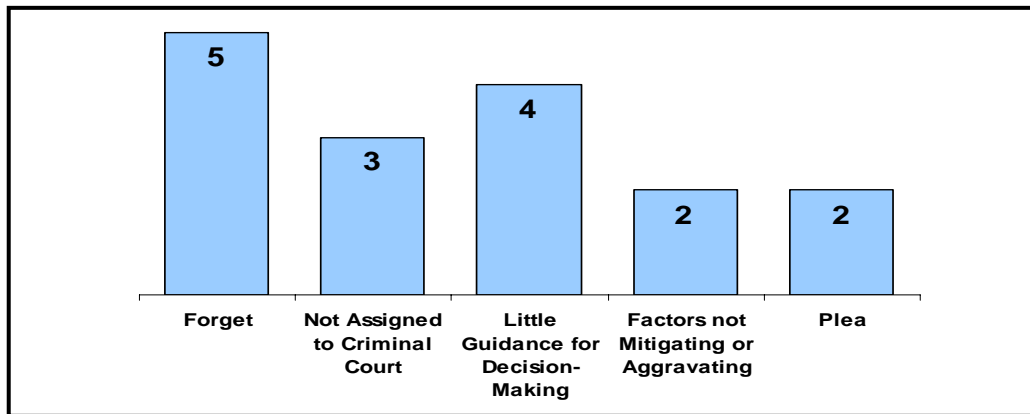
According to more than one circuit court judge, the present worksheets “do not provide much helpful guidance in arriving at a decision.” By spending the time to complete the worksheets, the judges are taking time and attention away from the case itself. One judge says, “The guidelines significantly distract me from my primary function which is to determine and announce a proper sentence.” Numerous judges also feel that the worksheets are misleading because most factors related to sentencing are not merely mitigating or aggravating; they are a compilation of both. And by trying to typify a factor in this fashion, the commission cannot gauge the extent to which the judge used the “emotion of the hearing and arguments” to come to a sentencing conclusion.

By and large, the respondents to this survey are aware of many factors that contribute to the overall sub-par submission rate of the worksheet forms. This judge eloquently states a combination of factors that may typically lead to non-submission:

Probably the biggest problem with the sentencing guidelines is that it fails to recognize that more than 70% of the cases are resolved by a plea agreement that just pops up on the calendar, you do it and its is done without any thought of whether or not one or more of the counts might have sentencing guidelines. With the over loaded calendars that we

have, we are not going to stop the show and take a half hour or more to go through the file and fill out the form with very little information about the defendant's background and probably only little more than the officer's version on the report as to severity.

Chart 2c – “Other” Reasons for Non-Submissions



Recommendations to Improve Submission Rates

When asked for specific recommendations to improve the submission process, judges eagerly accepted the task and produced many productive propositions (see the Appendix B for all the responses). The suggestions to improve worksheet submission ranged from curt demands to abolish the worksheets to very proactive requests to streamline the completion process. After looking at the data, it is apparent that many judges were of like mind in regard to their opinions on how to improve the process--and subsequent submission rates. Within the context of recommendations, three main ideas prevailed that seemed to encompass the judges' ideologies. However, it would be misleading to say that there was a fully unified consensus among the judges.

Since guideline offenses are not dealt with exclusively by most judges, often, the worksheets are inadvertently overlooked. To remedy this, many judges have recommended that a *uniform process* be implemented that brings the worksheets to their attention before the sentencing hearing. One judge successfully echoes the need of many: "Our difficulty is a lack of staff to assist in identifying those cases in which the worksheet is applicable and insuring that the proper form is available at the time of sentencing." This new process could be implemented numerous ways. For example, one judge states:

If there is a pre-sentence, I would have a copy of the form attached to the report to bring it to my attention. If there is not a pre-sentence I would put a check on the plea and waiver of rights form that the guidelines apply so that all parties remember to complete a form.

Another simple way to guarantee that judges are reminded of the worksheets is to require the clerk of court (or other staff member preparing the case file) to place a copy of the appropriate worksheet into files in which they apply. Perhaps the most honest and practical comment about how to boost submission rates, however, came from this judge: "Probably just a little nagging; having received this reminder, I intend to reinstitute my use of them and see if I can determine why we stopped using them".

Another common concern judges expressed was that their workdays are so overburdened that it is nearly impossible to fill out the worksheets themselves. This led many judges to express interest in *passing the responsibility* of filling out the bulk of the worksheets to a designated entity that handles

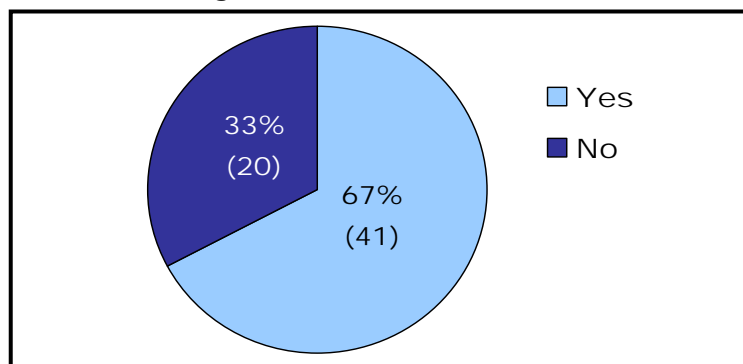
other aspects of the case proceedings. If, for example, the Department of Corrections, including parole and probation, or the district attorney completed the most basic aspects of the worksheet before the hearing, the judge would receive the worksheet with the case file and only need to spend the time to finish the adjustment factors and the grid. This, according to many judges, would make them more likely to complete the portions left and submit the worksheets.

Finally, and most concerning, a few judges have suggested that the only way to improve the guideline worksheet submission process is to either *simplify the worksheets* or eliminate them altogether. Countless respondents depicted the worksheets as complicated, “confusing”, and “too time-consuming.” This suggests that the worksheets available to the judges presently (though they have been modified to increase ease of use and brevity) are still beyond the level of simplicity desired by the judges.

Knowledge of Worksheet Submission Process

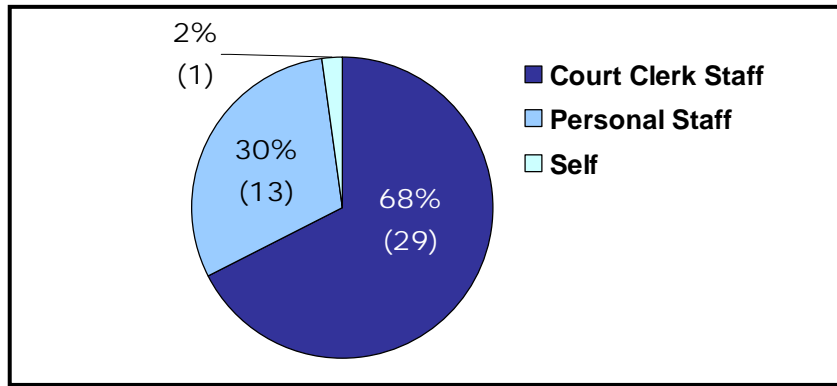
It is thought that by comprehending the submission process, the likelihood that judges will complete and submit worksheets will increase. To begin the process of educating judges on the worksheet process, they were asked whether or not they understand the process by which the completed worksheets are submitted to the commission. Judges who never fill out the worksheets were asked to refrain from answering this question, yet four of the judges who stated that they never complete worksheets still answered. Of these non-submitting judges, only half are familiar with the submission process. Of the judges who submit the worksheets on some level of frequency, the judges who comprehend the process made up 67% of respondents (41). 20 (33%) judges acknowledged that they know little or nothing about the submission process (see Chart 3a).

Chart 3a – Knowledge of the Worksheet Submission Process



The judges that did have knowledge of this process were then asked to give information about who submits the forms they fill out. The clerk of the circuit court staff most frequently submit the guidelines worksheet (29, 67%), followed by the judges' personal staff (13, 30%), and only one judge submits the worksheets himself (2%).

Chart 3b – Worksheet Submitters

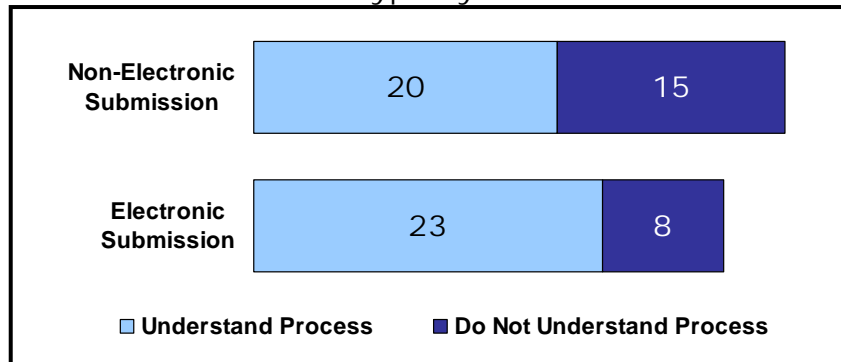


Electronic Submissions

In a day and age driven by technology, the Wisconsin Sentencing Commission is interested in making it possible for judges to submit the guideline worksheets electronically or through hard copy. In efforts to streamline the submission process, WSC looked at the present submission data for 66 of the 71 survey respondents. The data shows that the number of judges who would participate in electronic versus non-electronic submissions is relatively close in number; 47% (31) judges would submit worksheets electronically while 53% (35) judges indicated that they would still prefer to use hard copy forms.

However, when the judges who understand the process and judges who do not comprehend the submission process are compared, it is apparent that they have different ideas about the submission methods that would be most conducive to the completion of worksheets. For example, regardless of whether judges have the court clerk staff or their personal staff submit the worksheets, the anticipated submission method would be approximately 50% electronic and 50% hard copy for both submitter groups. Self-submission is excluded due to insufficient data. However, for the judges who do not understand the worksheet submission process (but still submit worksheets with some frequency), the submission method would only be 35% electronic and 65% through hard copy. This suggests that the judges with better education about the submission process would be more likely to submit the worksheets online (see Chart 4); therefore, with a strong worksheet tutorial that educated the judges on the process of worksheet submission to WSC, it would be safe to say judges would submit worksheets online more than half of the time, which is a strong start.

Chart 4 – Submission Type by Process Understanding



Colleagues Online

Of the judges who completed the survey, 20 (34%) said they believe that their colleagues would prefer having the worksheets available online for completion, while 39 (66%) said that their colleagues would not want the worksheets put online. This suggests that judges are individually more willing to complete the worksheets online (or have their staff do so) than they think their colleagues are.

CONCLUSION

One immediately apparent result from the survey of state judges on guidelines worksheet submission is that a large majority of the judges (70%) did not choose to respond, a clear indicator of lack of concern and/or relevance, as some of the written replies also indicated. This in itself demonstrates the difficulty the Sentencing Commission will face as it tries to improve the worksheets submission rates.

Of those who did respond, many expressed frustration with the process and/or the worksheets themselves. On the other hand, many of the respondents did try to faithfully participate and noted means by which participation could be enhanced. From their recommendations, some possible remedies arise:

- The Commission could assemble small teams of commissioners to visit each of the district court chief judges and their colleagues to discuss the need for and importance of better worksheet submission in the work the Commission does for the judges.
- The Commission could develop, in coordination with other agencies and processes, such as CCAP, court clerks, and/or officials in Parole and Probation, better, more efficient mechanisms for alerting judges that a particular offense is in fact a guidelines offense requiring a worksheet.
- The Commission could encourage state prosecutors and/or defense counsel to enter discussions with judges of possible sentences with already-completed worksheets to which the judge could easily refer at time of sentencing.
- The Commission could direct its staff to develop an online worksheet capability for completion and submission, along with whatever training materials are necessary, and work with relevant bodies to get time at judicial training sessions for orientations.

The importance of improving guidelines worksheet submission rates to ensure the representativeness of Commission sentencing data cannot be overstated. While more submitted worksheets will necessarily require more staff for the subsequent training and data entry, those issues can be addressed in parallel. The integrity and accuracy of Commission products depends greatly on increasing the rates. With the help of the constructive contributions from the judges responding to this survey, the Commission should be able to develop the necessary means to do so.

Appendix A

Sentencing Guidelines Worksheet Submissions Survey

1. How often do you complete worksheets for guidelines offenses?*

- Always
- Frequently
- Seldom
- Never

2. If you do not "always" complete the worksheets, why? (You may check more than one reason.)

- You are unaware the conviction offense is a guidelines offense.
- Your court sentencing process is not conducive for completing the forms.
- You need the worksheets provided in advance more efficiently.
- The worksheets and the NOTES are too confusing.
- The worksheets and the NOTES are too time-consuming.
- You are opposed in principle to the guidelines process.
- Other, please specify

3. When you complete the worksheets, do you know the process by which they are submitted to the Commission? (Do not answer if your response to #1 was "never.")

- Yes
- No

4. If you answered "yes," who submits them?

- You yourself
- Your personal staff
- The clerk of the circuit court staff
- Other, please specify

5. If the worksheets were placed online for completion (but with hard copy submission still optional), would you have them submitted electronically?

- Yes
- No

6. Do you think your colleagues would prefer to have worksheets completed online?

- Yes
- No

7. If you were responsible for improving the submission rates of the sentencing guidelines worksheets, what action(s) would you take?

Appendix B

QUESTION # 7:

If you were responsible for improving the submission rates of the sentencing guidelines worksheets, what action(s) would you take?

1. *I have no specific suggestions at this time.*
2. *Make them easier to use and to fill out.*
3. *I have problems with the forms because they don't help me make my sentencing decision (and I suppose that isn't their purpose). Checking off the various factors as mitigating or aggravating isn't a problem, but there is no relationship between the factors as checked and the incorporation of those factors into a decision about lesser/medium/high risk factor or mitigated/intermediate/aggravated offense severity. That decision is just a subjective decision as to which cell on the chart I want to put a particular case (regardless of how I've checked the mitigating/aggravating boxes); I can throw the case into any cell I want to justify what I did. So in the long run I look at it and view it as just more bureaucratic paperwork that has no relevance to what I do. I agree with the need for data; I agree with the concept of providing judges assistance in making sentencing decisions. I am totally against mandatory guidelines or sentences. Thus I understand the need for judges to help with these guidelines to assist with obtaining data and, hopefully, preventing the legislature imposing mandatory guidelines. It would be helpful if the forms were done in advance (I've tried to get Probation and Parole to include them in their PSIs, but they refuse saying they have their own sentencing guidelines to use). Attorneys are clueless to the whole process and getting them to do it is a waste of energy. I've tried to simplify the process by having a chart of the guideline offenses taped to the front of the bench so I don't forget; the forms are in a loose-leaf binder right behind me so I can just grab them when I need them. And still, I just seem to forget during the give-and-take of the day to do them. The best would be to have them on the case file when it is handed to me so I know I'm supposed to do it and don't forget.*
4. *Simplify completion (although the current form is a substantial improvement!)*
5. *Someone other than the courts have to be designated to fill out and submit sentencing guidelines. In the past it was the Department of Probation and Parole who prepares the pre-sentence report. Apparently they did not want to do it any longer.*
6. *Simplify them so they take less time. Other solutions (lower caseloads) are not something you control.*
7. *The process fails to recognize that many of the crimes involved are often not contested in which case the real value of the form is lost. Further, the transcript of the proceedings contains all the information the form seeks where the sentencing is contested. If it is contested, a judge's attention is focused on the emotion of the hearing and arguments, not form filling! IF the form is filled out in advance, it is possible prejudgment. If it is filled out after, it is just another "report" that ought to be done by someone with more time and who is paid less. IF the legislature believes this information is vital and needs to be collected, suggest they reduce their legislative staffing and reassign the unemployed aides to your department. If they don't want to adequately fund the gathering of the information without adding further to the drain on a judge's time, then maybe the goal is misplaced.*

8. *Check CCAP for filings that are covered by the guidelines. Monitor the cases to see if they are submitted to you. If not, contact the clerk of the particular court and see that the forms are delivered. Assuming that guideline cases will generate a PSI, have Probation and Parole sddsk!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!.*
9. *Simplify forms--no one has time to list prior offenses--except person preparing PSI and then it is redundant--whole back side of form confusing. When do people think these forms are filled out? Who is supposed to fill them out--DA, probation officer, defense--judge? When are they filled out--sometimes don't know what defendant is pleading to until he actually appears in front of judge--how can judge fill forms out in advance or why would he if the charge offense may (and often is) changed at time of the plea and if a PSI is done why not require probation and parole to fill out form? Bottom line this is political BS unconnected to the needs of the criminal justice system participants to satisfy a bunch of grandstanding politicians desires for simplistic solutions to complex problems--the court systems attempt to prevent legislative control of sentencing through these so-called guidelines. what might be useful to me would be what the vast majority of judges have done in the same situation I find myself in or to know that there is no consensus or at best a certain sentence has the support of the majority of the other judges. Maybe best that can be is to inform me when most judges would place defendant on probation, when most would sentence to prison and when most would impose maximum sentence--current worksheets or guidelines simply don't provide that kind of guidance and that is why they are so rarely used and even more rarely helpful.*
10. *Make judges aware of the statute that failure to consider the guidelines is reversible. Trial judges have to respond to appellate courts.*
11. *Probably just a little nagging; having received this reminder, I intend to reinstitute my use of them and see if I can determine why we stopped using them (possible the move into new courthouse contributed).*
12. *I would develop one page guidelines that are simpler to fill out and that have meaning and lead to a conclusion. No one wants to spend time filling out forms that are close to meaningless.*
13. *Check boxes mean little without an explanation as to why the box is being checked, and the explanation is on the record. Trying to put in meaningful information is time consuming and tends to break one's thought patterns. Often during a sentencing you are hearing things for the first time and trying to process that information. The forms are, in my opinion, a distraction. The information contained in them is covered orally in every guideline sentencing case.*
14. *on line won't be better because we obtain information during the sentencing and complete the forms while the attorneys are arguing and providing that information. There isn't time (you can guess this is Milwaukee) to fill the form out online as well as doing it in the courtroom during sentencing.*
15. *It could be very helpful to receive global (statewide) survey information reporting the sentences actually imposed including the demographic/legal information already available in the CCAP system (age, sex, race, county, sentence imposed, prior offenses, and, if possible, prior sentences). Recently I have been provided a remarkably useful analysis of Dane County drunk driving convictions, prepared by a private vender of computer service, Court Data Technologies. I may be mistaken but I do suspect, based upon this experience, that a complete, really useful picture of actual sentencing practices could be obtained and disseminated periodically through a*

painless electronic review of existing CCAP data. I suggest this would be a far better approach than a labor-intensive survey process which will scan only a self-selected, selflessly generous minority. The result of such a survey process would be definitively accurate and complete and would thus be a more accurate picture than could possibly be produced by the current 19th century process. I was amazed at that wealth of data already available and waiting for thoughtful application. It will no doubt be true that some portion of the information sought will not be readily available in the existing data bank. I suggest, however, that the completeness and accuracy of the sort of survey I am proposing will provide far more useful and reliable information for the people who are obligated to impose a sentence in criminal cases.
Judge Dave Flanagan, Dane County

16. Shorten them.
17. Order more than 24 hours in a day.
18. Have the agents do the worksheet. I also think some form of direction would be nice about how to fill them out. Depending on who does them they are different.
19. Simplify the process and organize the information in a way that fits the structure of sentencing as done in the past.
20. Simplify them and take out 4 different types of employment and other subcategories.
21. Make them available for completion electronically; require probation and parole to submit them with PSI.
22. I would eliminate them altogether.
23. Make it mandatory.
24. Have Chief Judges emphasize it at district meetings, and this year discuss it at judicial conference.
25. Find more judge time or assistance for their completion. Have them submitted by DOC and attached to PSI. They could provide certain basic information and the form would be in hand and the judge could complete the severity and risk sections as PSI is read. This would be a great time saver. It was the procedure we followed under the old guidelines system.
26. Comparable to the "old" guidelines, make it a responsibility of Probation and Parole to complete all parts of the form, other than the grid determinations, as part of the Pre-sentence report preparation procedure.
27. none
28. That's why you folks are getting the big bucks (just kidding)! Maybe having judges who do use them speaking at the Criminal Law & Sentencing seminar would have some impact.
29. Have forms available on line and hard copy; continue efforts to have forms user friendly.

30. *Eliminate requirement that criminal record be included. Maybe include only major/recent crimes.*
31. *Frankly, as far as I understand, there are only a few worksheets. I don't come across the crimes for which worksheets have been prepared very often. Therefore, it doesn't cross my mind to check to see if this is a crime for which there is a worksheet. As I tried to explain above, sentencing correctly using the Gallion requirements is tough enough. Now I am expected to fill out a complicated worksheet and synthesize those results with my Gallion principles??? This is getting really, really time consuming.*
32. *Have the clerk of court place them in the files in cases for which they apply.*
33. *Make them "do-able" in 1 to 2 minutes.*
34. *I have a difficult time keeping up with all that needs to be done now. I work 55+ hours per week and am not doing all that needs to be done. Sometimes I cut corners and one of the corners sometimes cut is not filling out the guidelines worksheet. With a fully stipulated sentence is there much harm done in not filling out the worksheet? When Dodge County has another judge I will be sure to fill out every worksheet.*
35. *make it easier*
36. *Have the worksheets submitted to the attorneys with their copy of the PSI as a reminder.*
37. *If there is a pre-sentence, I would have a copy of the form attached to the report to bring it to my attention. If there is not a pre-sentence I would put a check on the plea and waiver of rights form that the guidelines apply so that all parties remember to complete a form.*
38. *NA*
39. *Make them less complicated; user friendly.*
40. *Our difficulty is a lack of staff to assist in identifying those cases in which the worksheet is applicable and insuring that the proper form is available at the time of sentencing. Further, the time constraints currently existing for sentencing proceedings on most cases mitigate against filling out more paperwork.*
41. *Make them simpler to understand and fill out.*
42. *Have the chief judges put the word out that they want everyone's compliance in this regard and that they will be looking over our shoulders by monitoring our compliance.*
43. *My personal belief is that the forms are difficult to understand and use and don't help me or assist me in coming to a sentencing conclusion, thus making the completion seem like a wasted effort. Lack of frequency of use may attribute to this, that being a small number of guideline cases for sentencing.*
44. *I don't know because I cannot fathom a process that would make them worthwhile.*

45. *Need a specific seminar with lots of practice problems and evaluation of how we can do this quickly and accurately. I see major problems.*
46. *Give us more time to complete them. Also, without a PSI it is almost impossible to get the info required. Also, there isn't enough time to do a plea and sentencing at the same time unless the attorneys submit these items at the plea and sentencing hearing. Also, pay the judges better. More work + inflation and no raise equals a pay cut.*
47. *We could discuss this by phone or in person. My cell phone number is: [REDACTED]. I'm not sure what would help - other than more judges and lower caseloads. We work so hard to make a complete record, and you then want us to put a summary in writing which cannot possibly restate the essence of our sentence reasoning. One suggestion is that you ask us to do it for one or two months (or the next ten sentencings) purely for your data collection purposes. To mix the functions & purposes of the worksheet (good sentencing decisions & data collection) is untenable for many judges. Another option would be for YOUR staff to do the work. Let us cover the worksheet factors point by point on the record, then YOU pick apart the transcript for the data you seek -- if you think our reasoning can be summarized onto the form. Continuing from my answer to question 2 I urge you to read transcripts of several of my sentencings on "worksheet crimes" cases. You'll see I have the worksheet in my hand and discuss each factor point by point. But there are two big problems with your expectation that we fill them out and submit them to you. Problem 1: The fine distinctions and multiple implications and ramifications of each factor, such as alcohol dependency, education level or family history simply cannot be snapped into a simple grid of "aggravating" or "mitigating". For many judges a proper sentencing procedure requires a balancing of both the aggravating and mitigating effects of each detail of the crime and of the defendant's life. I know it works for other judges, but for me it seems that any attempt to summarize all this by brief snippets and notes on your form would be inaccurate and misleading. Problem 2 is that were I to attempt any full explanation in writing, in addition to the great effort I use to speak the sentencing analysis verbally, would be unduly time consuming. Thanks for asking!*
48. *Make sure that attorneys fill them out as part of their sentencing arguments. That way if the court is unaware or unprepared because it doesn't know that the case will be a plea and sentencing, there is a form to remind the court to fill out the worksheet before the file is returned to the clerk's office.*
49. *Unsure.*
50. *Get the information out as to why these are important for us to do. Some of us view this as just a reincarnation of the previous sentencing "guidelines" that didn't seem to work very well as well as being cumbersome. In any event, I should be submitting them for all requested offenses from here on out.*
51. *Improve the worksheets. Make them useful and informative. Why isn't the probation percentage included, for instance? More judicial education.*